

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 901

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO WATER; PROVIDING FOR CHANGING THE POINT OF  
DIVERSION OF DOMESTIC WELLS TO WELLS OWNED AND OPERATED BY  
CERTAIN WATER ASSOCIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Sanitary Projects Act is  
enacted to read:

"~~[NEW MATERIAL]~~ DOMESTIC WELLS--CHANGING THE POINT OF  
DIVERSION TO ASSOCIATION WELLS--PROCEDURE.--

A. A person may change the point of diversion of  
water diverted from a well permitted for domestic use purposes  
pursuant to Section 72-12-1.1 NMSA 1978, or a well permitted  
before June 20, 2003 pursuant to Section 72-12-1 NMSA 1978 for  
the same domestic use purposes, into a well owned and operated  
by an association in accordance with the provisions of

168220.3

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1 Subsections B through D of this section, provided that the well  
2 is located within the physical service area of the association.

3 B. The change in point of diversion shall be made  
4 upon application to the state engineer and upon a showing that  
5 the change will not impair existing rights and will not be  
6 contrary to conservation of water within the state and will not  
7 be detrimental to the public welfare of the state. The  
8 application may be granted only after notice and opportunity  
9 for hearing are provided as prescribed by Subsection D of  
10 Section 72-12-3 NMSA 1978.

11 C. An association that allows the point of  
12 diversion of a domestic well to be changed to that of an  
13 association well shall file with the state engineer a map  
14 depicting the boundaries of the association's physical service  
15 area and updated maps of any expansion of the boundaries of the  
16 association's physical service area.

17 D. Only domestic wells located within the  
18 boundaries of the physical service area of the association that  
19 were permitted prior to the time the association files its  
20 physical service area boundaries or an update of those  
21 boundaries with the state engineer may have their points of  
22 diversion changed to the association's point of diversion, and  
23 the state engineer shall not issue permits pursuant to Section  
24 72-12-1.1 NMSA 1978 for new domestic wells within those areas  
25 once the association files its service area boundary map or

1 updated map with the state engineer.

2 E. For the purposes of this section, "physical  
3 service area" is the area defined by the association, based on  
4 factors determining the capacity to provide water, including,  
5 but not limited to, the location of existing lines, adequacy of  
6 existing infrastructure and the availability of water rights,  
7 and approved by the state engineer."

8 Section 2. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is July 1, 2007.

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